IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Crl.MC.No. 1786 of 2007()

CRIME NO.316/04 OF PATTAMBI POLICE STATION
CC.462/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PATTAMBI

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PETITIONER: ACCUSED

SIBY SIMON, S/O.C.K.SIMON,
CHEERANS HOUSE, PATTAMBI.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS: STATE/COMPLAINANT

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1. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. STATION HOUSE OFFICER, PATTAMBI POLICE STATION, PATTAMBI.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/06/2007, A/W. CRMC 1787 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.Nos. 1786 & 1787 of 2007

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Dated this the 4th day of June, 2007

O R D E R

The petitioner faces indictment in two separate prosecutions, iner alia, under Section 324 I.P.C. The alleged incident occurred in 2004. Investigation was complete and cognizance was also taken in 2004. The petitioner defaulted in appearance before the learned Magistrate. Consequently he finds non-bailable warrants issued by the learned Magistrate chasing him. In these circumstances he has come to this Court with this petition under Section 482 Cr.P.C. The learned counsel for the petitioner submits that the petitioner is willing to appear before the learned Magistrate. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is in these circumstances that he prays that appropriate directions may be issued to the learned Magistrate under Section 482 Cr.P.C.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the

learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. **Dy.S.P. of Police** (2003 (1) KLT 339).

3. This Crl.M.C. is accordingly dismissed, but subject to the above observations/directions. I may hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

4. Hand over copy of the order to the learned counsel for the petitioner.

(R. BASANT)
Judge

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